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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Desaraju V. Varaprasad et al.)
Examiner: Dhirajlal S. Nakarani
Application No.: 09/835,328)
Group Art Unit: 2873
Filed: April 17, 2001)
For: Electrochromic Polymeric Solid)
Films, Manufacturing Electrochromic)
Devices Using Such Solid Films, And)
Processes for Making Such Solid Films)
and Devices)
Date: June 28, 2004

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JUL 02 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECH CENTER 2800

TERMINAL DISCLAIMER

Sir:

Your petitioner, DONNELLY CORPORATION, a corporation duly organized under the laws of Michigan, having a principal office at 414 East 40th Street, Holland, Michigan 49423, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 09/835,328 filed April 17, 2001, as evidenced by the deed of Assignment recorded on January 27, 2000 at Reel 010556, Frame 0457.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,910,854, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,910,854, this agreement to run with any

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patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any U.S. Patent No. 5,910,854, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 5,910,854 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

A check in the amount of \$110.00 is enclosed to cover the fee set forth in 37 C.F.R. §1.20(d). Please charge any additional fee required, and credit any overpayment, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Raymond R. Mandra

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